

REMARKS

Applicant respectfully requests reconsideration of the application.

Interview Summary

Applicant thanks the Examiner for the courtesy of conducting a telephone interview on July 5, 2007. In the interview, the undersigned attorney for applicant, Joel Meyer, and the Examiner discussed claim 1 relative to the teachings of Daniele. Mr. Meyer pointed to Daniele's Figures 4-6 to illustrate the point that Daniele's glyphs are:

1. perceptible slash marks; and
2. these slash marks do not make imperceptible modifications to perceptible attributes of a visual signal.

The visual signal shown in Daniele is the printed matter on a document (e.g., text and graphical information shown on the page in Fig. 4). The slash marks do not imperceptibly modify perceptible information on the page as specifically shown in Figs. 5 and 6. In the specific areas where the characters "3" and "A" cover the page shown in Figs. 5 and 6, there is no modification to the "3" or the "A" because these characters are overprinted over the slash mark. Thus, the images representing these characters are not changed at all. The slash marks exist only in the background, and they are perceptible.

The Examiner noted that the specification states that these glyph codes are "not readily discernable to the person attempting to make an unauthorized copy." But this does not mean that the glyph codes are imperceptible. More importantly, Daniele does not provide any teaching regarding methods to make the slash marks imperceptible. Therefore, even if Daniele's statement "not readily discernable" was relevant to the claims, there is no teaching in Daniele regarding making the slash marks imperceptible.

The Examiner is requested to call the undersigned attorney at (503) 469-4655 after reviewing this response to continue the discussion regarding Daniele and the claims.

Rejection under 35 U.S.C. Section 112, Second paragraph

Claims 1 and 8 are rejected under 35 U.S.C. Section 112, Second paragraph as being indefinite for reciting both method and apparatus elements. Applicant respectfully submits that these method claims, to the extent they refer to apparatus, only do so in the context of reciting method elements, which is entirely proper. In an effort to address the Examiner's concern, claim 1 has been amended so that "steganographic decoder" now

appears as “steganographic decoder process.” Claim 8 does not include this particular language, and the Examiner has not identified specific apparatus elements in claim 8 that might be indefinite.

Prior Art Rejections

Claims 1-4, 6-9, 11-14, and 26, 28, 91-92 and 94 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,444,779 to Daniele (“Daniele”).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daniele in view of U.S. Patent No. 5,473,631 to Moses (“Moses”).

Claims 10 and 27-29 and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniele in view of U.S. Patent No. 5,249,166 to Hamilton et al. (“Hamilton”).

Applicant’s arguments provided previously still apply to the above rejections, and therefore, they are not repeated here. Applicant further provided more arguments during the interview, which are summarized above.

Claim 1

As noted previously, Daniele does not teach: “the visual or audio signals including imperceptible modifications to perceptible parts of the visual or audio signals to embed the plural-bit auxiliary data in the perceptible parts in a manner that is imperceptible to a user” in combination with the other elements of claim 1. Daniele’s slash marks are perceptible, and they do not make imperceptible modifications to perceptible parts as described above. The Office is relying on Daniele’s teaching that slash marks can be placed in the background behind text. However, the characters that are superimposed over the slash marks in the background take precedence over the slash marks such that the slash marks do not make modifications to these characters.

Further, Daniele does not teach: “the imperceptible modifications adaptively changing values of the perceptible parts of the visual or audio signals by a varying amount that depends on the values of the perceptible parts;” in combination with the other elements of claim 1. A slash mark is either present (black) or absent (no ink), and thus, has no capacity to adaptively change values of perceptible parts by varying amounts as claimed.

Claim 8

Daniele does not teach: “the audio signal including imperceptible modifications to embed the plural-bit auxiliary data that are imperceptible to the consumer, the imperceptible modifications changing values of audible parts of the audio signal;” in combination with the other elements of claim 8. To the extent that Daniele mentions music, it is only referring to a printed document. Daniele provides no teaching regarding methods of imperceptible changing values of audible parts of an audio signal. Printed music shows only a visual representation of musical notes and is not an audio signal.

Claim 11

Claim 11 is patentable over Daniele for the reasons provided previously, for the reasons described above in connection with the interview, and for similar reasons as provided for claim 1. Claim 11 has a similar amendment as claim 1, and therefore, similar distinctions apply.

Claim 26

As noted previously and above in connection with claim 8, Daniele only deals with printed documents and does not provide any teachings regarding “imperceptibly altering audible attributes of the music signal” in combination with the other elements of claim 26.

Regarding the other rejections, at least the same arguments apply as provided in the response filed with the RCE. Since the RCE, the Examiner has withdrawn Lahr as a reference, and some of the claims have been further amended. Therefore, the claims are patentable for at least the reasons provided previously and even more so now that certain clarifying amendments have been included. The absence of these arguments being repeated again should not be interpreted as a withdrawal of them.

The claims are now in condition for allowance.

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Respectfully submitted,

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